IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12292 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JAGJITSINH BHAGSINGH ARORA

Versus

SUBHASHBHAI B. THAKKAR

Appearance:

1. Special Civil Application No. 12292 of 2004

MR ASHISH M DAGLI for Petitioner No. 1

MR JB PARDIWALA for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 15/10/2004

ORAL JUDGEMENT

1. RULE. Mr. Pardiwala waives service of rule on behalf of respondent. With the consent of the parties, the matter is taken up for final hearing today.

1.1. The petitioner has by way of this petition prayed

for transferring the cases as stated in Annexure-I application dated 18th August, 2004 from the Court of learned Judge B.S. Thakkar to any other Small Causes Court of Ahmedabad.

2. Heard the learned counsel for the respective parties.

3. Considering the fact that allegations were made against the Judge, the learned Judge ought to have transferred the said case, in view of the fact that a particular Judge normally should not conduct a matter where allegations are made against him. Therefore, in the fitness of things, it would be appropriate to direct the Principal Judge, Small Causes Court to place the said matters before another Judge. Hence, the Principal Judge, Small Causes Court, Ahmedabad is directed to place the said matters before another Judge. As and when the matters are placed before another Judge, the said Judge shall try to hear and dispose of the said suit as early as possible.

4. This Court has passed the aforesaid order without entering into the allegations levelled against the said Judge. However, it is made clear that the said matters are not transferred on the ground of allegations levelled against the Judge, but, on the propriety that once allegations are made against a particular Judge, then he should not hear the matters. Both the parties are directed to cooperate with the hearing of the matters.

5. With the above observations and directions, the petition is allowed. Rule is made absolute to the aforesaid extent.

[K.S. JHAVERI, J.]
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